

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**ASDC HOLDINGS, LLC; ASDC LIQUIDATION, INC.; VALOR MANAGEMENT CORP.; ANTONIO GRACIAS; JUAN SABATER; JONATHAN SHULKIN; and ALL SMILES LIQUIDATION TRUST,**

**Plaintiffs,**

**V.**

**THE RICHARD J. MALOUF 2008 ALL-SMILES GRANTOR RETAINED ANNUITY TRUST, RICHARD J. MALOUF, STRAIT LANE FAMILY LP, CAMELIA FAMILY LIMITED PARTNERSHIP, and DEAL TIME AUTO GROUP, LLC,**

## Defendants.

[illegible]

**Misc. Case No. 3:15-MC-89**

**Pending before the  
American Arbitration Association  
(Commercial Arbitration)  
Case No. 14 193 Y 00243 11**

**NON-PARTIES MICHAEL GIBSON AND BURLESON, PATE & GIBSON, L.L.P.'S  
OBJECTION TO SUBPOENAS DUCES TECUM**

TO: Plaintiffs, by and through their counsel Barry Barnett SUSMAN GODFREY, LLP,  
901 Main Street, Suite 5100 Dallas Texas 75202:

Michael Gibson (“Gibson”) and Burleson, Pate & Gibson, L.L.P. (“BP&G”) (together, the “Third-Party Respondents”), non-parties to the arbitration proceeding, make and serve their Objections to the Subpoena Duces Tecum (the “Subpoenas”) as follows:

### **PRELIMINARY STATEMENT**

The Subpoenas were served on Respondents on August 5, 2015. These Objections are being served on a date not more than fourteen days thereafter.

The Subpoenas were served under the aegis of Section 7 of the Federal Arbitration Act, 9 U.S.C. § 7, and are governed by Federal Rule of Civil Procedure 45, made applicable by Federal Rule of Civil Procedure 81.

Pursuant to those Rules, Third-Party Respondents provide the following objections and responses.

### **GENERAL OBJECTIONS**

As described in the Motion to Quash Subpoenas Duces Tecum and Brief in Support, filed contemporaneously herewith, Third-Party Respondents generally object that the Subpoenas seek to invade the attorney-client privilege and work product exemption, impose an undue and unnecessary burden, do not provide a reasonable time for compliance, and lack a basis in Rule or statute to require pre-trial production of documents and testimony from a third-party to an Arbitration.

### **SPECIFIC RESPONSES AND OBJECTIONS TO SUBPOENA DUCES TECUM SERVED ON MICHAEL GIBSON**

**REQUEST NO. 1:** Any fee agreements between All Smiles, on the one hand, and Burleson Pate & Gibson LLP, on the other

#### **RESPONSE:**

Third-Party Respondent Gibson incorporates his General Objections and those made in the Motion to Quash the Subpoena Duces Tecum and Brief in Support. Notwithstanding those General Objections: None.

**REQUEST NO. 2:** Your client files for All Smiles.

**RESPONSE:**

Third-Party Respondent Gibson incorporates his General Objections and those made in the Motion to Quash the Subpoena Duces Tecum and Brief in Support. Notwithstanding those General Objections: None.

**REQUEST NO. 3:** Documents relating to any Government Investigation

**RESPONSE:**

Third-Party Respondent Gibson incorporates his General Objections and those made in the Motion to Quash the Subpoena Duces Tecum and Brief in Support. As described in the Motion to Quash Subpoenas Duces Tecum and Brief in Support, filed contemporaneously herewith, Third-Party Respondent Michael P. Gibson objects that this Request seeks to invade the attorney-client privilege and work product exemption between himself and his client. Third-Party Respondent Michael P. Gibson further objects that responding to this request would impose an undue and unnecessary burden. Third-Party Respondent Michael P. Gibson further objects that the Subpoena does not provide a reasonable time for compliance. Third-Party Respondent Michael P. Gibson further objects that the Subpoenas lack a basis in Rule or statute to require pre-trial production of documents and testimony from a third-party to an Arbitration. These objections are explained in greater detail in the Motion to Quash and Brief in Support filed contemporaneously herewith.

**SPECIFIC RESPONSES AND OBJECTIONS TO SUBPOENA DUCES TECUM  
SERVED ON THIRD-PARTY BURLESON PATE & GIBSON, LLP**

**REQUEST NO. 1:** Any fee agreements between All Smiles, on the one hand, and Burleson Pate & Gibson LLP, on the other

**RESPONSE:**

Third-Party Respondent BP&G incorporates its General Objections and those made in the Motion to Quash the Subpoena Duces Tecum and Brief in Support. Notwithstanding those General Objections: None.

**REQUEST NO. 2:** Your client files for All Smiles.

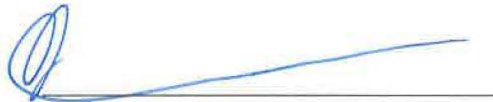
**RESPONSE:**

Third-Party Respondent BP&G incorporates its General Objections and those made in the Motion to Quash the Subpoena Duces Tecum and Brief in Support. Notwithstanding those General Objections: None.

**REQUEST NO. 3:** Documents relating to any Government Investigation

**RESPONSE:**

Third-Party Respondent BP&G incorporates its General Objections and those made in the Motion to Quash the Subpoena Duces Tecum and Brief in Support. As described in the Motion to Quash Subpoenas Duces Tecum and Brief in Support, filed contemporaneously herewith, Third-Party Respondent Burleson Pate & Gibson LLP objects that this Request seeks to invade the attorney-client privilege and work product exemption between himself and his client. Third-Party Respondent Burleson Pate & Gibson LLP further objects that responding to this request would impose an undue and unnecessary burden. Third-Party Respondent Burleson Pate & Gibson LLP further objects that the Subpoena does not provide a reasonable time for compliance. Third-Party Respondent Burleson Pate & Gibson LLP further objects that the Subpoenas lack a basis in Rule or statute to require pre-trial production of documents and testimony from a third-party to an Arbitration. These objections are explained in greater detail in the Motion to Quash and Brief in Support filed contemporaneously herewith.



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**ATTORNEYS FOR MOVANTS**

**CERTIFICATE OF SERVICE**

I hereby certify that on August 19, 2015 a copy of the foregoing was served upon the following via the methods indicated:

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AND E-MAIL**

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